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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 JAMES FISHER,

8 Plaintiff,

9 v.

10 LEONARD CARVER III, et al.,

11 Defendants.

CASE NO. C11-5931BHS

ORDER GRANTING
DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

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13 This matter comes before the Court on Defendant Detective Knight's ("Knight")
14 motion for summary judgment (Dkt. 16). The Court has reviewed the brief filed in
15 support of the motion and the remainder of the file and hereby grants the motion for the
16 reasons stated herein.

17 **I. PROCEDURAL HISTORY**

18 On November 14, 2011, Plaintiff James Fisher ("Fisher") filed a complaint against
19 numerous defendants, including Knight. Dkt. 1. Fisher alleges that, on March 12, 2008,
20 the Defendants searched his residence, destroyed personal property during the search, and
21 seized other personal property that has not been returned. *Id.*

22 On January 12, 2012, Knight filed a motion for summary judgment. Dkt. 16.
23 Fisher failed to respond.

24 **II. DISCUSSION**

25 Summary judgment is proper only if the pleadings, the discovery and disclosure
26 materials on file, and any affidavits show that there is no genuine issue as to any material
27 fact and that the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c).
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1 In this case, Fisher asserts a 42 U.S.C. § 1983 claim against Knight. Section 1983
2 does not contain its own statute of limitations, so courts utilize the limitations period
3 applicable to personal injury actions in the forum state. *See Alameda Books, Inc. v. City*
4 *of Los Angeles*, 631 F.3d 1031, 1041 (9th Cir. 2011). In Washington, the statute of
5 limitations applicable to personal injury actions is three years. RCW 4.16.080(2).

6 The last involvement that Knight had with Fisher was March 12, 2008. Fisher
7 filed his complaint three years and six months later. Therefore, Fisher's claims are barred
8 by the statute of limitations.

9 **III. ORDER**

10 Therefore, it is hereby **ORDERED** that Knight's motion for summary judgment
11 (Dkt. 16) is **GRANTED**.

12 DATED this 13th day of February, 2012.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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